



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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V-S B

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/066,168

04/24/98

KATSUBE

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10089/4

IM22/0204

EXAMINER

KENYON & KENYON
ONE BROADWAY
NEW YORK NY 10004

FORTUNA, A

ART UNIT

PAPER NUMBER

1723

DATE MAILED:

02/04/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory ActionApplication No.
09/066,168

Applicant(s)

Katsube et al.

Examiner

Ana Fortuna

Group Art Unit

1723**THE PERIOD FOR RESPONSE:** [check only a) or b)]

- a) ☐ expires _____ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Jan 3, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☒ will not be entered because:
- ☐ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

- ☐ Applicant's response has overcome the following rejection(s):

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
the declaration filed on 1/3/2000 shows results that appear to be true for the selected pressure vessel length, but not necessary for smaller or larger vessels. The claims are not limited to a particular filter length or filter length, and *
- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):
- Claims allowed: _____
- Claims objected to: _____
- Claims rejected: 1-4 (after entering amendment, claims 1-2 will be rejected).

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.

- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

- ☒ Other * therefore, for vessels having for example 1394mm the outlet will change in position with respect to the housing length affecting the degree of deposition of scale at levels different from the ones shown in the declaration, if d = 0.6 m for an length of about 1/2 of the housing length selected in the declaration, the outlet position will be approximately located about 1/2 of the housing length, which will

Ana Fortuna
**ANA FORTUNA
PRIMARY EXAMINER
GROUP 1300**

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affect the scale and salt retention in the membrane and or housing. Therefore, the final rejection is maintained. Applicant's fails to show critical location with respect to housing length.